IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 164 OF 2007

Sandeep Bhikaji Polekar ..Applicant
V/s
The State of Maharashtra ..Respondent.

Mr. P.R. Dave, Advocate for the applicant
Ms. R.M. Gadhvi, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : 12TH FEBRUARY, 2007.

P.C.

. Heard Mr. Dave, learned Counsel for the applicant and Ms. Gadhvi, learned APP for the State. Perused police papers.

2. The applicant seeks to be released on bail in Crime No.I-288/2005, registered at Nalasopara Police station for the offence punishable under Section 302 Indian Penal Code.

3. The prosecution case, in brief, is that on 6/11/2005 at about 3.30 P.M. deceased Sameer @ Ankush was playing cricket on the ground along with other boys. At that time, accused Sandeep Polekar came to the ground

from outside and abruptly snatched a cricket bat from the hands of Sameer saying that Sameer had quarreled with him at the time of Ganpati Festival and he would now finish him. Saying so, the accused allegedly gave forceful blow on the head of Sameer with the said bat. Due to this immediately, Sameer collapsed on the ground. After that also accused gave two or three blows with the cricket bat on the head of deceased. Due to this, he become unconscious and had bleeding from nose and mouth. Initially, he was taken to Alliance Hospital and thereafter to KEM hospital, Bombay. It appears that on 10/11/2005 Sameer died because of head injuries.

4. There are number of eye witnesses about the incident. Even though accused had come from outside on the ground without any weapon in his hand but he snatched cricket bat from Sameer himself and after declaring his intention to finish him, he gave a forceful blow on his head with a cricket bat. The cricket bat is very heavy and not light weight stick. Even a single blow with cricket bat on the head may be sufficient to cause death. Taking into consideration the circumstances, I am not inclined to grant bail to the present applicant. If bail is granted possibility

of tampering with prosecution evidence cannot be ruled out. The case is now almost 15 months old and there is no reason why the trial could not be expedited.

5. For the aforesaid reasons, application stands rejected. The learned Sessions Judge, Palghar is hereby directed to expedite the trial and decide the matter as early as possible and in any case, by the end of April, 2007

6. The Registry to communicate this order to the concerned Sessions Court.

(J.H. BHATIA, J.)